



Mike Hodgson <mike@ilawco.com>

Re: Spin Master et al. v. Aciper et. al. - 1:19-cv-06949-VSB

1 message

Brett Lewis <brett@ilawco.com>

Thu, Sep 19, 2019 at 11:59 AM

To: Danielle Futterman <dfutterman@ipcounselors.com>

Cc: "BroderickNYSDChambers@nysd.uscourts.gov" <BroderickNYSDChambers@nysd.uscourts.gov>, "Jason M. Drangel" <JDrangel@ipcounselors.com>, Brieanne Scully <bscully@ipcounselors.com>, Mike Hodgson <mike@ilawco.com>

Partial Relief From Temporary Restraining Order Applicable to Jscout

Dear Judge Broderick:

We represent Defendant Jscout in the above-referenced action, and write briefly in response to Plaintiff's letter.

We learned for the first time after oral argument on Jscout's motion to vacate the TRO that an additional payment processing account — PingPong — had been frozen. Plaintiff had made no mention of this account being frozen, and with the focus on the Amazon account, we were not aware that other accounts were frozen. We had made the erroneous assumption that the only frozen funds were in the Amazon account. Given the complete lack of merit in Plaintiff's position on its underlying claims, there is no basis for continuing the extraordinary remedy of an asset freeze of the PingPong account, especially since funds in the Amazon account are still frozen. Freezing the funds in Jscout's PingPong account would be unduly punitive and would hamper Jscout's ability to conduct its business between now and the date of the Preliminary Injunction hearing on October 25. Although these funds should be released in their entirety, in the alternative, half of all frozen funds in both the Amazon and PingPong accounts should be unfrozen, as roughly 50% of Jscout's sales were not from the allegedly counterfeit product.

Respectfully submitted,

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On Sep 19, 2019, at 11:27 AM, Danielle Futterman <dfutterman@ipcounselors.com> wrote:

<9.19.19 Letter to Judge Broderick v_FINAL.pdf>